

CHAPTER 15 PARKS AND RECREATION (#5)

ARTICLE 1 GENERAL

SECTION 101 CREATION

In accordance with Article 5, Section 3 (a) of the Brewer City Charter, there is hereby created the office of Director of Parks and Recreation. As used in this Chapter, the Director of Recreation and Recreation Director shall be included within the definition of Director of Parks and Recreation.

SECTION 102 APPOINTMENT

The Director of Parks and Recreation shall be appointed by the City Manager, subject to the confirmation of the City Council.

SECTION 103 DUTIES

The Director of Parks and Recreation shall:

SECTION 103.1 Promote, organize and supervise a comprehensive municipal recreational, cultural and social program that will employ the leisure time of the citizens in a wholesome and constructive manner.

SECTION 103.2 Operate and maintain all parks established for recreational, cultural and social purposes.

SECTION 103.3 Supervise the recreational use of parks, playgrounds, swimming pools, athletic fields and such other areas and facilities as may be made available to carry out the recreation program.

SECTION 103.4 Supervise the operation and maintenance of the municipal auditorium.

SECTION 103.5 Supervise the operation and maintenance of the concession areas in the municipal auditorium.

SECTION 103.6 Account for all public moneys received by him, in such manner as the city treasurer may prescribe.

SECTION 103.7 Perform any other duties pertaining to recreational cultural and social activities which may hereinafter be required by law, order, Ordinance or resolve of the City Council.

ARTICLE 2 PARK AND RECREATIONAL ADVISORY COMMISSION

SECTION 201 ESTABLISHMENT

There is hereby established a Park and Recreational Advisory Commission in and for the City of Brewer, to consist of seven (7) Commissioners. They shall serve without pay and no one of whom shall be a wage or salaried employee of the Parks and Recreation Department.

SECTION 202 TERM OF OFFICE OF COMMISSIONERS

The members of the Commission shall be chosen by the City Council for a three (3) year term and shall hold office ending on December 31st. Any member presently serving a term shall continue to serve until his or her term expires. Effective December 31, 2002, the terms of the present duly appointed and existing Commission members whose terms are scheduled to expire December 31, 2002 shall be extended to March 31, 2003, the terms of members scheduled to expire December 31, 2003 shall be extended to March 31, 2004, and the terms of members scheduled to expire December 31, 2004 shall be extended to March 31, 2005. Thereafter the terms of each member shall expire on March 31st. (#1)

SECTION 203 CHAIRMAN AND SECRETARY

The Commission shall elect its own chairman from among its members who shall serve for one (1) year, and any vacancy during the term of said chairman shall be filled by the Commissioners to serve the unexpired period of the term.

SECTION 203.1 The Commission shall also elect from among its own members, a secretary whose duties shall be to keep a permanent record of all its meetings and activities and of all order, resolutions and recommendations made at such meetings, and such other duties as may be delegated to him or her by the Commission.

SECTION 203.2 When a member is unable to act because of a conflict of interest, physical incapacity, absence or any other reason satisfactory to the chairman, the chairman shall designate an associate member to sit in his or her stead.

SECTION 204 POWER AND DUTIES

The Commission shall advise the Recreation Director, City Manager and the City Council on the care and superintendence of public parks and recreation facilities and shall advise on the expenditure of all monies appropriated for the improvement of the same.

SECTION 204.1 The Commission shall inform and advise the

Recreation Director concerning the care, development and superintendence of all public parks, playgrounds, athletic fields, skating rinks and any and all land or buildings used by the City of Brewer for park or recreational activities, other than school buildings and land.

SECTION 204.2 It shall advise the Recreation Director on the merits of conducting any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner.

ARTICLE 3 MUNICIPAL AUDITORIUM

SECTION 301 DEFINITION

The words "Municipal Auditorium" for the purpose of this ordinance, shall mean the building erected in 1939 under grant from the public works administration, and located adjacent to Doyle Field.

SECTION 302 CARE AND SUPERINTENDENCE

The Director of Parks and Recreation shall be responsible to the City Manager for the care and superintendence of the municipal auditorium.

SECTION 303 RENTALS

The Director of Parks and Recreation is hereby authorized to rent or lease the facilities of the municipal auditorium to private or public groups or organizations.

SECTION 303.1 He or she shall maintain in his or her office, a schedule of all authorized future rentals and this schedule shall be open to public inspection during regular office hours.

SECTION 303.2 The primary use of the municipal auditorium shall be for City of Brewer recreational purposes. Rental dates shall be considered for those dates not already reserved and scheduled for Brewer Recreation Department programs.

SECTION 303.3 The Director of Parks and Recreation or his or her designee shall be authorized to restrict or refuse any rental deemed not to be in the best interest of the City of Brewer, the building, or the public. City staff, law enforcement officials, and firefighters shall have the right to expel and/or arrest any person, corporation, legal entity or their agents for any criminal, destructive, or unhealthy activity.

SECTION 303.4 All dates in a month shall be rented on a first come, first served basis; except that the Director of Parks and Recreation shall take into consideration renters with a history of the same time period or holiday rental in the previous calendar year. The Director of Parks and Recreation is hereby authorized to refuse or restrict rentals that directly conflict with a previously scheduled rental. He or she may require a minimum of six (6) days separation between such direct rental conflicts. A rental date may be up to five (5) consecutive days. A renter must pay a non-refundable fee of one hundred (\$100.00) dollars to confirm a date.

SECTION 304 RENTAL RATES

Except as otherwise provided in this Article, the amounts set forth in the following schedules shall be the minimum charged for the use of the municipal auditorium. (#3)

SCHEDULE I

Commercial Use	\$360.00 per day
General Use	\$300.00 per day
Charitable Use	\$240.00 per day (Brewer groups only)
Set-up Charge	\$ 60.00 for events requiring set-up on day prior to event
Table Charge	\$2.00 per table per day
Speaker Charge	\$15.00 per day
Marquee Charge	\$20.00 per day when used beyond actual rental dates if available.

Service charges, if required, for all events, shall be at the rates set forth in Section 304.1 of the Article.

The above rental rates shall include heat, electricity, use of the signs on rental day, parking, use of the main floor, stage, and toilet facilities and chairs and other available facilities. For the purposes of this Ordinance, the term "Charitable Groups" shall be defined as any bona-fide, non-profit organization which is charitable, educational, political, civic, recreational, fraternal, patriotic and or religious or any auxiliary thereof, and any class or organization of an elementary, secondary or post-secondary educational institution operated or accredited by the State of Maine and within the City of Brewer.

SECTION 304.1 SERVICE CHARGES Service charges, if required, for all events, shall be the actual city payroll costs plus seventeen (17%) percent fringe benefit costs.

SECTION 304.2 KENNETH HANSCOM COMMUNITY ROOM The amounts set forth in the following schedule shall be the minimum charge for the use of that portion of the municipal auditorium now or formerly used as the American Legion Quarters: (#3)

SCHEDULE II

General Use	\$90.00 per day
Charitable Groups, Brewer	\$75.00 per day

Service charges, if required, for all events, shall be at the rates set forth in Section 304.1 of this Article.

SECTION 304.3 CONFERENCE ROOMS Rental rates for mezzanine level conference room & lower level conference room shall be Fifteen Dollars (\$15.00) per hour not to exceed Fifty Dollars (\$50.00) per day. Service charges, if required, for all activities, shall be at the rates set forth in Section 304.1 of this Article.

SECTION 305 CONCESSION OPERATION

The City of Brewer Recreation Department shall operate and maintain the concession areas in the Municipal Auditorium. All revenue received from the operation of concession areas shall be deposited with the City Treasurer in such manner as he or she may prescribe.

SECTION 305.1 Nothing in the Section shall prevent the operation of concession areas by private groups or by private or public non-profit organizations provided written permission is granted in writing by the Director of Parks and Recreation. There shall be a fee of Twenty-five Dollars (\$25.00) per day charged for operation of the concession areas.

SECTION 306 MUNICIPAL USE

Nothing herein contained shall be interpreted to prevent the use of the Municipal Auditorium for municipal purposes subject to the approval of the Director of Parks and Recreation; except, however, when an admission fee is charged or revenues accrued from such municipal usage or other privileges of any character, operated by or under the authority of representatives of the City of Brewer, the Director shall collect any revenues therefrom and deposit them with the City Treasurer.

SECTION 307 AUDITORIUM GROUNDS USE

The Director of Parks and Recreation or his or her designee is

hereby authorized to rent, lease or grant written permission to individuals, private or public groups or organizations to occupy those portions of the municipal auditorium parking lot or grounds, including but not limited to the front walkways that are not immediately necessary for the Parks & Recreation Department's ongoing programs. (#6)

Any policy implemented by the Director of Parks and Recreation under this section shall be approved by the City Manager first and a copy thereof shall be filed in the City Clerk's office for public inspection.

SECTION 308 WAIVER OF RENTAL AND USER FEES

The Director of Parks and Recreation, or his or her designee, may waive the rental fee and all or some of the other charges set forth in this article for any Brewer non-profit charitable group requesting such waiver in writing and providing that:

- (1) all income from the event shall be returned to the Brewer community through the sponsoring groups. (#2)

ARTICLE 4 MUNICIPAL ATHLETIC FIELD

SECTION 401 DEFINITION The words "Municipal Athletic Field" shall mean that City-owned parcel of land located between State Street and Wilson Street and known as and hereinafter referred to as "Doyle Field".

SECTION 402 CARE AND SUPERINTENDENCE The general care and superintendence of Doyle Field shall be under the control of the Recreation Department, which shall be responsible for the following:

1. The control and responsibility of the bleachers, all buildings and fences and the scoreboard.
2. The control, maintenance and responsibility of the night lighting system.
3. The Director of Parks and Recreation shall have final approval of all scheduled events on the field. Any scheduled activity shall be carried out in a manner which is not damaging to the facility. Whenever, in the judgment of the Director of Parks and Recreation, weather or other circumstances beyond the control of the Parks and Recreation Department and/or the participants in any scheduled event, might result in damage to the facility, the Director of Parks and Recreation, or his or her agent, may cancel, terminate, postpone or reschedule (if appropriate) any scheduled event.

SECTION 403 RENTAL The Recreation Department shall have immediate charge of the renting of the Doyle Field buildings and grounds, subject to directions that may from time to time be given by the City Manager, or by order or resolve of the City Council.

SECTION 404 REGULATIONS The basic rules and regulations governing the use of Doyle Field during the summer and winter months and for recurrent organized activities, shall be as hereinafter set forth:

SECTION 404.1 SUMMER USE Use during summer months shall be allowed by permission only and all use must be compatible with the maintenance schedule of the field, including irrigation.

SECTION 404.2 WINTER USE Use during the winter months for skiing, sliding, snowmobiling or other recreational uses shall be permitted, provided conditions are such that no damage occurs to the field or structures thereon.

SECTION 404.3 FOOTBALL Preparing the field for football use, including erection of the goal posts, lining the field, maintenance of the bleachers, ticket booths and scoreboard shall be the responsibility of the Recreation Department. Cleanup of the entire bleacher section and field area after each event shall be controlled by the Recreation Department. The Athletic Department of the high school shall be responsible for providing and maintaining the yard line markers and for the operation of the scoreboard. All personnel needed by any user, including ticket takers, scoreboard operators, rules officials, police officers, custodian and physicians, shall be secured by and paid directly by the user of the field.

Adequate police protection shall be provided by the user as necessary.

SECTION 405 RENTAL RATES Except as otherwise provided in the ordinance, the amounts set forth in the following schedule will be the minimum charged for the use of Doyle Field.

<u>ACTIVITY</u>	<u>CLASSIFICATION</u>	<u>LIGHTS-USE PER HOUR</u>
Football	\$500.00	\$35.00
Concerts, Special Events	\$500.00	\$35.00
Softball Tournaments	\$150.00 per day	\$35.00

SECTION 405.1 SERVICE CHARGE Services charges, if required, for all events, shall be at the actual city payroll costs plus twenty-three (23%) percent fringe benefit costs.

SECTION 406 CONCESSION OPERATION The City of Brewer Recreation Department shall operate and maintain the concession areas at Doyle Field. All revenue received from the operation of concession areas shall be deposited with the City Treasurer in such manner as he or she may prescribe.

SECTION 406.1 Nothing in the section shall prevent the operation of concession areas by private groups or individuals, or by private or public non-profit organizations provided permission is granted in writing, by the Recreation Department.

ARTICLE 5 PARKS

SECTION 501 DEFINITIONS For the purpose of this Article, the following words shall have the meaning ascribed to them in this section:

1. "Major Park" is any of the following named, or unnamed, Public Parks:
 - a. Indian Trail Park
 - b. Eastern Ball Park
 - c. Fling Park
 - d. Sunset Memorial Park
 - e. Brewer Community Playground (a/k/a/ Brewer Creative Playground) and the Brewer Swimming Pool, being designated as Parcel 12 on Map 50, according to the tax assessing maps prepared by James W. Sewall Company, placed on file in the City Tax Assessor's office and may be amended from time to time.
 - f. Maple Street Park
2. "Minor Park" is any public park or public land not listed as a major park with the exception of Doyle Field and lands owned by the Brewer High School District Trustees.

SECTION 502 USE OF PARK FACILITIES

SECTION 502.1 GENERAL All major and minor parks under the care and supervision of the Recreation Director shall be utilized for the recreational, cultural and social benefit of the citizens of Brewer under such rules and regulations as are contained in this Article or as established by the Recreation

Director, as herein provided. In addition, Fling Park shall be open to all citizens of the United States of America.

SECTION 502.2 DISPOSAL OF REFUSE PROHIBITED No person shall place, discard or deposit in any manner, offal, garbage, litter or any refuse in any park, except in proper containers placed for rubbish collection.

SECTION 502.3 CERTAIN ACTS PROHIBITED No person shall commit any disorderly, obscene, indecent or unlawful act, commit any nuisance or abandon any personal property at any park.

SECTION 502.4 PRESERVATION OF PROPERTY No person shall destroy, injure, deface or disturb, tamper with or attempt to destroy, injure, deface or disturb, any building, sign, fence, tree, shrubbery, lawn or any other structure or property at any park.

SECTION 502.5 CERTAIN GATHERINGS PROHIBITED No mass demonstrations shall take place in any park.

SECTION 502.6 VEHICLES RESTRICTED No person shall operate any snowmobile, mini bike or any unregistered motorized vehicle in any park. No motorized vehicle shall be operated in any park except on designated roadways or parking areas.

SECTION 502.7 OPEN FIRES PROHIBITED No open fires shall be permitted in any park except in the confines of fireplaces or grills provided for the cooking of food or upon written approval of the Recreation Director.

SECTION 503 PARKS AND REGULATIONS Except as herein specifically provided, the Recreation Director, with the advice of the Parks and Recreation Advisory Commission, shall establish rules and regulations governing the care and use of all parks. These rules and regulations shall be posted in at least two (2) locations within each major park by the Recreation Director. In addition, copies of said rules and regulations shall be on file in the Recreation Director's office and in the City Clerk's office. These rules and regulations shall be open for inspection during regular city office hours.

SECTION 504 TRESPASSING Whoever enters upon any major park between the hours that such park is closed and opened, shall be guilty of trespass. The City Council shall be primarily responsible for establishing the opening and closing times for all major parks;

however, the Recreation Director shall have the authority to alter and amend the opening and closing times of said major parks to accommodate the recreational programs and needs of his or her department. The Recreation Director shall be responsible for posting at least two (2) signs at each major park listing the current opening and closing hours of said park. The sign shall be no smaller than two (2) feet by two (2) feet and shall be lettered with no smaller than one hundred twenty (120) point letters.

SECTION 504.1 PENALTY FOR TRESPASSING Whoever trespasses upon any park shall be punished by a fine of not more than Twenty Dollars (\$20.00).

SECTION 505 VIOLATIONS Any person who shall violate any provisions of this Article, upon conviction thereof, shall be punished by a fine of not more than one hundred (\$100.00) dollars. Each and every violation of the provisions of this Article shall constitute a separate offense. The City Shall also be entitled to its reasonable attorney fees and costs for prosecuting any violation of this Article.

SECTION 506 ENFORCEMENT The Recreation Director shall be responsible for prosecuting any violations under this Article.

(Article 6 deleted 2009-C009, 10/09)

ARTICLE 7 SAFE ZONES (#4) (#7)

SECTION 701 ESTABLISHMENT In order to promote the health and safety of the citizens of Brewer in general, and the minor children which frequent areas within the City of Brewer, there is hereby established Safe Zones within the City of Brewer in accordance with Title 30-A M.R.S.A. §3253.

SECTION 702 SAFE ZONES The locations of the Safe Zones which are established under this Article are as follows:

- a. Joseph L. Ferris Community Center, athletic field, playground and swimming pool complex, which are generally described on the Tax Assessor's maps, dated April 2003, as amended as Map 31, Lot 21, on file in the City Clerk's office and are more fully described in a deed and recorded in the Penobscot County Registry of Deeds in Volume 1087, Page 375. (#9)
- b. Fling Street Park, which is generally described on the Tax

Assessor's maps, dated April 2003, as amended as Map 29, Lot 31, on file in the City Clerk's office and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 2189, Page 207.

- c. Maple Street Park, which is generally described on the Tax Assessor's maps, dated April 2003, as amended as Map 28, Lot 1, on file in the City Clerk's office and more fully described in a deed recorded in Penobscot County Registry of Deeds in Volume 4759 age 74, Volume 6151, Page 273, Volume 6151, Page 276 and Volume 6160, Page 239.
- d. Eastern Park, which is generally described on the Tax Assessor's maps, dated April 2003, as amended as Map 26, Lot 27, on file in the City Clerk's office and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 2133, Page 839.
- e. Sunset Memorial Park, which is generally described on the Tax Assessor's maps, dated April 2003, as amended as Map 42, Lot 155, on file in the City Clerk's office and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 1559, Page 67.
- f. Indian Trail Park, which is generally described on the Tax Assessor's maps, dated April 2003, as amended as Map 37, Lot 1, on file in the City Clerk's office and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 287, Page 353.
- g. Penobscot Landing Children's Garden, which is generally described on the Tax Assessor's maps, dated April 2003, as amended as Map 28, Lot 189, on file in the City Clerk's office and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 8444, Page 82.
- h. School Street Playground, which is generally described on the Tax Assessor's maps, dated April 2003, as amended as Map 28, Lot 14, on file in the City Clerk's office and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 581, Page 499.
- i. Housing Authority of the City of Brewer Family Projects (Me-21-5, Me-21-7, Me-21-8, and Me-21-9) located on Rinfret Drive and Lyford Drive, Map 14, Lot 21 and Map 14,

Lot 31, which is more fully described in a deed recorded in the Penobscot County Registry of Deeds in Volume 5001, Page 152.

j. The Brewer Riverwalk Trail, and any improvements which lie within the following areas:

- (1) The property owned by the City of Brewer by virtue of the Deed from Hiram H. Fogg recorded in the Penobscot County Registry of Deeds in Volume 641, Page 275.
- (2) The easements to the City of Brewer from Dead River Company, d/b/a Dead River Petroleum Company, recorded in the Penobscot County Registry of Deeds in Volume 8320, Page 205, and Volume 9558, Page 304.
- (3) The easement to the City of Brewer from G. H. Doane recorded in the Penobscot County Registry of Deeds in Volume 10570, Page 4.
- (4) The easement to the City of Brewer from Maxwood Services, Inc. recorded in the Penobscot County Registry of Deeds in Volume 10570, Page 10.
- (5) The easement to the City of Brewer from Bruce R. Blackmer recorded in the Penobscot County Registry of Deeds in Volume 8544, Page 296.
- (6) The easement to the City of Brewer from Dorks R Us recorded in the Penobscot County Registry of Deeds in Volume 8371, Page 236.
- (7) The portion of the State of Maine property adjacent to the so-called Joshua Chamberlain Bridge.
- (8) The property owned by the City of Brewer by virtue of Deed from Creative Arts Center, LLC recorded in the PCROD in Volume 15226, Book 338 (#9)
- (9) The Easement to the City of Brewer from Getchell Bros. Co. recorded in the PCROD Volume 14971, Page 34 (#9)

- (10) The Easement to the City of Brewer from Bonton Towers recorded in the PCROD Volume 14779, Page 241 (#9)
- (11) The Easement to the City of Brewer from EWT, LLC12 recorded in the PCROD Volume 14779, Page 233 (#9)
- k. The Dougherty Recreation Complex, which is generally described on the Tax Assessor's maps, dated April 2016, as amended as Map 34, Lot 56, on file in the City Clerk's Office and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Book 13905, Page 218. (#8)
- l. The Capri Street Field, which is generally described on the Tax Assessor's maps, dated April, 2016, as amended as Map 44, Lot 13, on file in the City Clerk's office and more fully described in a deed recorded in the Penobscot County Registry of Deeds in Book 13905, Page 215. (#8)

SECTION 703 SIGNAGE Signs shall be posted designating the Safe Zones in accordance with Title 30-A M.R.S.A. §3253. The posting of the signage shall be the responsibility of the Brewer Chief of Police or the Chief of Police's designee.

SECTION 704 PROHIBITED ACTIVITIES (#9)

SECTION 704.1 DEFINITIONS

SMOKING shall mean: lighting, inhaling, exhaling, burning, carrying or having in one's possession any lit cigar, cigarette, pipe, weed, plant, vaping, or other combustible substance in any form or similar product that relies on vaporization or aerosolization that is customarily used and intended for inhalation.

CAMPING shall mean: Presence of structures such as cabin(s), shelter(s), tent(s), hut(s), or any other structure designed or erected for the purpose of staying and/or sleeping; regardless of the materials used, length of time, or other intentions for use.

FIRES shall mean: A rapid, persistent chemical change that releases heat and light and may be accompanied by flame, especially the exothermic oxidation of a combustible substance.

COOKING shall mean: the use of devices, items, equipment, or other apparatus designed for, or used, in the preparation and cooking of food for personal consumption.

SWIMMING shall mean:
Swimming, wading, or floating.

SECTION 704.2 The following activities are prohibited in all areas designated as "SAFE ZONES" Per Section 702 of Article 7, Chapter 15 of the Brewer Codes and Ordinances

- SECTION 704.2.1** No Smoking
- SECTION 704.2.2** No Fires
- SECTION 704.2.3** No Cooking
- SECTION 704.2.4** No Camping
- SECTION 704.2.5** No Swimming

SECTION 704.3 PENALTY Prior to issuing a citation for violation of this Ordinance, a law enforcement officer shall issue one verbal warning to an individual. If the individual fails to comply after the warning, the individual shall be issued a citation to appear in court. If the individual is found to be in violation of this Ordinance, the Court shall impose a fine of no less than \$100.00, which may not be suspended.

SECTION 705 PERMISSION GRANTED (#9)

SECTION 705.1 SPECIAL USE PERMIT

The Parks & Recreation Director, may after consultation with the City Manager, issue a special use permit for an otherwise prohibited activity for any group and/or individual where there is a reasonable public interest in doing so.

SECTION 705.2 FIRE PERMIT

The Fire Chief, may after consultation with the City Manager and the Parks & Recreation Director, issue a permit for a camp fire and/or cooking for any group and/or individual where there is a reasonable public interest in doing so, and there are reasonable precautions taking to ensure public safety and fire safety.

SECTION 705.3 CONDITIONS OF PERMIT

All special use permits issued shall have the following conditions:

- Date permit is issued.
- Duration of time permit is valid.

END OF CHAPTER NOTATIONS - CHAPTER 15

1. Enacted 12/10/02, effective 12/15/02 (2002-C067)
2. Enacted 06/15/04, effective 06/20/04 (2004-C012)
3. Enacted 12/06/05, effective 12/11/05 (2005-C025)
4. Enacted 02/21/06, effective 02/26/06 (2006-C002)
5. Enacted 10/13/09, effective 10/18/09 (2009-C009)
6. Enacted 09/14/10, effective 09/19/10 (2010-C015)
7. Enacted 09/16/14, effective 09/21/14 (2014-C014)
8. Enacted 11/14/16, effective 11/19/16 (2016-C014)
9. Enacted 10/08/19, effective 10/13/19 (2019-C009)